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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,053	11/02/2001	Christoph Herrmann	DE 000196	4949
24737	7590	09/19/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/003,053

Applicant(s)

HERRMANN ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

1. The disclosure is objected to because appropriate section headings should appear in the specification for clarity (MPEP 608.01(a)). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Longoni (WO 00/28744).

2. Regarding claims 1 and 6, Longoni discloses a wireless network (fig. 1A) comprising a radio access network (BS) and several terminals (MS), which are each provided for encoding certain data to be transmitted (fig. 2A; page 4, lines 31-35) and for forming in the same manner a key (page 11, lines 7-12) in dependence on a first frame number (page 4, lines 30-34; CFN) and second frame number (page 4, lines 30-34; FN) for a connection to be set up or reconfigured (page 3, lines 1-2; page 5, lines 1-2; page 10, lines 9-10) between the radio access network and a terminal. The first frame number depends on a periodically changing number of the radio frame

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used for data transmission (page 4, lines 31-32; page 2, lines 2-4; fig. 1B; page 10, lines 9-14) and the value of the second frame number depends on the first frame number (page 4, lines 30-32). The radio access network is provided for ascertaining based on the value of the first frame number (fig. 2A) whether a time delay in the formation of the second frame number is to take place in the radio access network (page 10, lines 9-26; note: FN 20 of fig. 2A is decreased/delayed when the sequence is ahead for BS2FN).

3. Regarding claims 2 and 4, the radio access network sends to a terminal a message containing an announcement about an activation instant or a deactivation time space for the time delay for the formation of the second frame number (page 17, line 36 through page 18, line 2; note: the second frame number, BSxFN is related to the base station offset timing, OFSx - page 17, lines 30-32; fig. 2B, step 235).

4. Regarding claim 5, Longoni discloses a wireless network (fig. 1A) comprising a radio access network (BS) and several terminals (MS), which are each provided for encoding certain data to be transmitted (fig. 2A; page 4, lines 31-35) and for forming in the same manner a key (page 11, lines 7-12) in dependence on a first frame number (page 4, lines 30-34; HFN) and second frame number (page 4, lines 30-34; FN) for a connection to be set up or reconfigured (page 3, lines 1-2; page 5, lines 1-2; page 10, lines 9-10) between the radio access network and a terminal. The first frame number depends on a periodically changing number of the radio frame used for data transmission (page 11, lines 4-5) and the value of the second frame number depends on the first frame number (page 4, lines 30-32). A terminal transmits a frame number to the radio access network (page 8, lines 27-30) and for forming a second frame number dependent

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on the value of the first frame number (fig. 2B, item 20; note: the BSxFN is based on the CFN and HFN).

***Allowable Subject Matter***

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 7 is allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Longoni et al. (US 2001/0046240) is the continuing US National Stage publication of the PCT application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kevin C. Harper", is positioned above the printed name.

Kevin C. Harper

September 17, 2005